

SENATE BILL 386

Unofficial Copy
O3
SB 228/02 - FIN

2003 Regular Session
3r0310
CF 3r2108

By: **Senators Ruben, Middleton, Stone, and Teitelbaum**
Introduced and read first time: January 31, 2003
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Assistance Program - Employed Persons with Disabilities Program**

3 FOR the purpose of requiring that the Medical Assistance Program include a certain
4 Employed Persons with Disabilities Program; specifying certain purposes for the
5 Employed Persons with Disabilities Program; establishing certain criteria for
6 eligibility to participate; establishing income levels for participation in the
7 Program; authorizing the Department to adopt certain regulations; requiring
8 the Department to establish a premium structure; specifying that failure to pay
9 a certain premium results in termination of eligibility, except under a certain
10 circumstance; authorizing the Department of Health and Mental Hygiene to
11 utilize certain collection procedures; requiring the Department of Health and
12 Mental Hygiene to make certain reports on or before a certain date each year;
13 requiring the Department to enroll participants by a certain date; requiring the
14 Department of Health and Mental Hygiene to submit a certain application by a
15 certain date and to provide a certain notice within a certain time; providing for
16 the effective date of a certain portion of this Act, subject to a certain contingency;
17 requiring the Department of Health and Mental Hygiene, subject to a certain
18 contingency, to adopt certain regulations by a certain time and in consultation
19 with certain individuals; providing for the termination of this Act under a
20 certain circumstance; and generally relating to the inclusion of the Employed
21 Persons with Disabilities Program under the Medical Assistance Program.

22 BY repealing and reenacting, without amendments,
23 Article - Health - General
24 Section 15-101(a) and (i)
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2002 Supplement)

27 BY adding to
28 Article - Health - General
29 Section 15-136
30 Annotated Code of Maryland
31 (2000 Replacement Volume and 2002 Supplement)

1

Preamble

2 WHEREAS, Many individuals with disabilities would like to work but cannot
3 afford to enter the workforce because that would mean losing the necessary medical
4 services they receive through Medicaid; and

5 WHEREAS, The federal Ticket to Work and Work Incentives Improvement Act
6 allows states to establish new Medicaid eligibility categories for working people with
7 disabilities whose income or resources would otherwise make them ineligible for
8 Medicaid; now, therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11

Article - Health - General

12 15-101.

13 (a) In this title the following words have the meanings indicated.

14 (i) "Program" means the Maryland Medical Assistance Program.

15 15-136.

16 (A) THE PROGRAM SHALL INCLUDE AN EMPLOYED PERSONS WITH
17 DISABILITIES PROGRAM.

18 (B) THE PURPOSE OF THE EMPLOYED PERSONS WITH DISABILITIES PROGRAM
19 IS TO PROVIDE THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE
20 EMPLOYED AND TO QUALIFY FOR PROGRAM BENEFITS.

21 (C) AN INDIVIDUAL IS ELIGIBLE TO PARTICIPATE IN THE EMPLOYED PERSONS
22 WITH DISABILITIES PROGRAM IF THE INDIVIDUAL:

23 (1) IS BETWEEN THE AGES OF 16 AND 64 YEARS OLD, INCLUSIVE;

24 (2) (I) IS DISABLED UNDER TITLE II OR TITLE XVI OF THE SOCIAL
25 SECURITY ACT; OR

26 (II) EXCEPT FOR PROVISIONS RELATING TO SUBSTANTIAL GAINFUL
27 ACTIVITY, WOULD QUALIFY FOR SUPPLEMENTAL SECURITY INCOME OR SOCIAL
28 SECURITY DISABILITY INSURANCE;

29 (3) RECEIVES FINANCIAL COMPENSATION FOR EMPLOYMENT, WITH
30 APPLICABLE PAYROLL WITHHOLDINGS FOR PAYMENT OF FEDERAL, STATE, AND
31 LOCAL TAXES;

32 (4) MEETS THE ASSET LIMITATIONS UNDER SUBSECTION (E) OF THIS
33 SECTION;

1 (5) MEETS THE FINANCIAL LIMITATIONS REQUIRED UNDER
2 SUBSECTION (F) OF THIS SECTION; AND

3 (6) IF APPLICABLE, PAYS THE PREMIUM REQUIRED UNDER SUBSECTION
4 (G) OF THIS SECTION.

5 (D) IN DETERMINING AN INDIVIDUAL'S INCOME UNDER SUBSECTION (F) OF
6 THIS SECTION, THE DEPARTMENT MAY NOT CONSIDER THE FOLLOWING:

7 (1) INCOME DISREGARDED FOR THE PURPOSE OF DETERMINING
8 ELIGIBILITY FOR THE MEDICAL ASSISTANCE, AGED, BLIND, AND DISABLED
9 CATEGORY UNDER COMAR 10.09.24; OR

10 (2) INCOME USED TO PAY FOR IMPAIRMENT-RELATED WORK EXPENSES.

11 (E) (1) AN INDIVIDUAL IS NOT ELIGIBLE FOR THE EMPLOYED PERSONS
12 WITH DISABILITIES PROGRAM IF THE INDIVIDUAL'S ASSETS EXCEED \$10,000.

13 (2) IN DETERMINING AN INDIVIDUAL'S ASSETS UNDER PARAGRAPH (1)
14 OF THIS SUBSECTION, THE DEPARTMENT MAY NOT CONSIDER THE FOLLOWING:

15 (I) ASSETS DISREGARDED FOR THE PURPOSE OF DETERMINING
16 ELIGIBILITY FOR THE MEDICAL ASSISTANCE, AGED, BLIND, AND DISABLED
17 CATEGORY UNDER COMAR 10.09.24;

18 (II) A MEDICAL SAVINGS ACCOUNT AS DEFINED UNDER 26 U.S.C.
19 220;

20 (III) A RETIREMENT ACCOUNT, INCLUDING AN INDIVIDUAL
21 RETIREMENT ACCOUNT, A 401(K) PLAN, A 403(B) PLAN, A KEOGH PLAN, AND A
22 PENSION PLAN; OR

23 (IV) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, ANY
24 SPECIAL FUND FOR THE PURCHASE OF GOODS OR SERVICES THAT SUBSTANTIALLY
25 INCREASE OR MAINTAIN THE INDIVIDUAL'S EMPLOYABILITY.

26 (F) (1) TO PARTICIPATE IN THE PROGRAM, AN INDIVIDUAL SHALL HAVE AN
27 ANNUAL GROSS INCOME OF NO GREATER THAN 300% OF THE FEDERAL POVERTY
28 GUIDELINES.

29 (2) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF
30 THIS SUBSECTION, THE DEPARTMENT MAY ADOPT REGULATIONS THAT ESTABLISH
31 ADDITIONAL ELIGIBILITY CRITERIA IN ORDER TO CONTROL THE COST OF THE
32 PROGRAM.

33 (II) THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF
34 THIS PARAGRAPH MAY GIVE PRIORITY FOR ENROLLMENT TO INDIVIDUALS WITH:

35 1. MONTHLY UNEARNED INCOME OF NO GREATER THAN
36 \$850; OR

1 Hygiene, in consultation with the Maryland Coalition for Work Incentive Program,
2 shall adopt regulations to implement the Employed Persons with Disabilities
3 Program; or

4 (2) If the Centers for Medicare and Medicaid Services denies the
5 application for implementation of the Employed Persons with Disabilities Program,
6 this Act, with no further action required by the General Assembly, shall be null and
7 void and of no further force and effect.

8 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
9 Section 4 of this Act, this Act shall take effect July 1, 2003.